

REMARKS

Pursuant to the above-noted Office Action, a three-way restriction was applied, with Group II having been provisionally elected by the applicant and examined by the Examiner. Pursuant to this response, the claims as correspond to the remaining two groups have been withdrawn from consideration subject to the applicant's right to present these claims in a divisional application.

Claims 10, 11, and 12 were rejected under 35 U.S.C. 112, second paragraph. Pursuant to this amendment, the words being objected to by the Examiner have been stricken. Therefore, the applicant respectfully submits that the content encompassed by these claims is in suitable condition to support allowance.

Independent claim 12 has only been rejected under 35 U.S.C. 112, second paragraph and, as noted above, this rejection has been respectfully traversed. The applicant therefore respectfully submits that claim 12 may be allowed.

The Examiner has rejected the remaining claims using a varied combination of a considerable number of prior art references. Unfortunately, the applicant has not yet been able to fully and completely review these prior art references with respect to their full applicability as regards many of these claims. Consequently, pursuant to this response, the applicant is withdrawing certain claims from present consideration, without prejudice, subject to a right to later reintroduce these claims along with corresponding statements regarding allowability of these claims with respect to the prior art.

Pursuant to this response, the applicant has also amended independent claim 6 to include the subject matter of dependent claim 11. As a first position, the applicant, based upon its initial review of the five prior art references that have been essentially coupled together to purportedly meet the recitations of claim 11, are, in fact, an inappropriate combination of references. In particular, the applicant cannot find a persuasive suggestion in the art that would lead one skilled in the art to make the purported combination. Secondly, in making these rejections (including the rejection of independent claim 6), the Examiner purports to take "official notice" of "the fact that is notoriously well-known in the art to divide frequency banded and time

domain interframes and each frame has a number of time slots allocated to control, uplink and downlink communications, in order to reduce the interference during transmitting and receiving." The Examiner appears to be relying on facts within the personal knowledge of the Examiner. Pursuant to 37 C.F.R. §1.104(d)(2), the applicant hereby respectfully calls for an affidavit of the Examiner with respect to such facts to provide sufficient specificity on the record so as to permit a full and complete understanding of such facts by the applicant and the opportunity to make a correspondingly well informed response and also to permit such contradiction or explanation as may be otherwise appropriate.

There being no other objections to or rejections of the claims, the applicant respectfully submits that claims 6-10 and claim 12 may be passed to allowance.

Respectfully submitted,

By: 

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Date: June 12, 2003

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